

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TIWUANA CROWDER, o/b/o  
R.C.,

Plaintiff(s),

vs.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security<sup>1</sup>,

Defendant(s).

Case No. 4:13CV1099 JCH/TCM

**ORDER**

This matter arises on the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, filed October 9, 2013. See 28 U.S.C. §636. In his report, Magistrate Judge Mummert recommends that the Court deny the motion of the Commissioner to dismiss this action as untimely filed. The parties were granted fourteen (14) days to object to the recommendation, but to date neither side has filed any objections.

Upon careful consideration of the Report and Recommendation and the record in this case,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge (ECF No. 14) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (ECF No. 12) is **DENIED**.

---

<sup>1</sup> On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Pursuant to Fed. R. Civ. P. 25(d), Carolyn W. Colvin therefore is automatically substituted for former Commissioner Michael J. Astrue as Defendant in this cause of action.

**IT IS FURTHER ORDERED** that the Commissioner is granted thirty (30) days within which to file her Answer and the transcript of the record in this matter.

Dated this 18th Day of December, 2013.

/s/Jean C. Hamilton  
UNITED STATES DISTRICT JUDGE